

vacancies were 67, which is, as you can see, pretty mainstream. But now we have 110 vacancies without an extraordinary game plan in the Judiciary Committee to have hearings and move judges forward. At the rate we are going, the resignations are going to exceed the nominations and confirmations. That is not a healthy thing for our judiciary.

Mr. President, I feel strongly about the issue. I know there are pressures on all of us. We have groups out there that used to try to pressure Chairman HATCH and tell him how to run the Judiciary Committee. He took the view that: If you want to get elected to the Senate, you can run the committee; otherwise, I am going to give hearings a fair shot and do what I think is right and move nominees.

I know pressure is out there. I think it is time for us to get serious on this matter, to move nominees forward, give President Bush's nominees a fair chance to be confirmed, to reduce this extraordinary backlog of vacancies that are out there—to have hearings on those 11 judges who were nominated in May because they have not even had a hearing yet—and get busy with filling our responsibility to advise and consent or reject President Bush's nominees.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ON THE ANNIVERSARY OF GOVERNOR MEL CARNAHAN'S DEATH

Mr. DASCHLE. Mr. President, one year ago today, America awoke to the terrible news that we had lost three extraordinary public servants: Governor Mel Carnahan, his son Roger, and their friend and aide Chris Sifford.

Mel Carnahan was a remarkable man—the kind whose work proved that politics and public service can indeed be a noble profession.

Like another man from Missouri, Harry Truman, Mel Carnahan was a man of plain speech and enormous political courage.

Throughout his career, he worked to help people, to make government efficient, and to use the tools at his disposal to make a difference in people's lives.

Whether it was improving public schools, expanding health insurance for children, protecting seniors through stricter safety standards for nursing homes, or making communities safer—Mel Carnahan never stopped working to make a difference.

I have no doubt that he would have been a great Senator, just as he was a

great Governor. Sadly, he never got the chance to show us that—at least, not directly.

But his spirit does live on in this Senate. As JEAN CARNAHAN has said so many times:

Hopes and dreams don't die with people, they live on in all the people we touch.

Today, Mel Carnahan's hopes and dreams live on through all those he touched. But they have their most powerful voice in his wife of 45 years, JEAN CARNAHAN.

It was one year ago that she pledged to keep the fire burning. And every day since—that is exactly what Senator CARNAHAN has done.

In her tireless work to see that the economic victims of September 11 get health care, unemployment benefits, and job training—we feel Mel's sense of justice and compassion. In her work to improve our nation's schools—we see Mel's commitment to the children of Missouri, and America. And when Senator CARNAHAN comes to the Senate floor, and commands here colleagues' attention with her clear and thoughtful arguments—we hear the echoes of Mel's plainspoken sensibility.

One year after that cruel October morning, JEAN CARNAHAN has become the great Senator that Mel Carnahan would have been had he been given the chance. That is one blessing that makes his loss more bearable.

The poet Longfellow wrote:

When a great man dies,  
for years beyond our ken,  
the light he leaves behind him lies  
upon the paths of men.

During his life, Mel Carnahan cast a bright and shining light on his state and our nation. His death did not extinguish that light.

That light continues to shine in the remarkable work and the indomitable spirit of his partner and our colleague, Senator JEAN CARNAHAN.

Today, especially today we thank her for her courage and for our inspiration.

#### JUDICIAL CONFIRMATIONS

Mr. THURMOND. Mr. President, I rise today to express my concern over the slow pace of judicial confirmations in the Senate.

The Bush administration deserves to be treated as fairly by the Democrat majority as the Republican majority treated the Clinton administration. Thus far, the facts show that the pace of confirmations is extremely slow and the number of vacancies is extremely high.

The Senate has confirmed only 8 judges so far this year, compared to 60 who have been nominated. During the Clinton administration, the Senate confirmed an average of 47 judges per year. In the first year of the Clinton administration, the Senate confirmed 28 judges, which is about average when compared to the first year for Reagan and Bush I. In the final year of the Clinton administration, we confirmed 39.

Given these numbers, it should not be surprising that the number of vacancies is much higher today than at the end of the Clinton administration. As of today, there are 109 vacancies for a vacancy rate of 12.7 percent, while at the end of the Clinton administration last year, there were only 67 vacancies for a 7.9 percent vacancy rate.

The Senate confirmed almost the same number of judges for President Clinton as for President Reagan, 377 compared to 384. This is true even though Republicans controlled the Senate for six years of Clinton and six years of Reagan. In fact, while I was Chairman for the first six years of the Reagan administration, I made confirmations arguably my top priority. Yet, the numbers are comparable.

The Democrat majority often notes that it has confirmed more circuit judges this year than the Senate did for the first year of the Clinton administration. While this is true, President Clinton nominated only five circuit judges in his first year in office, compared to 21 for President Bush so far this year. Also, in the first year of Clinton, the Democrats were in charge at the time. Last year, while Republicans were in control and it was an election year, the Senate still confirmed 8 circuit judges, double the number we have confirmed so far this year.

Under any reasonable evaluation, the numbers show that we are far behind this year. However, there is still time to act this session, and make the numbers fair with former Presidents.

In the first year of each of the past three administrations, all judges nominated before the end of the August recess were confirmed that year. The only exception is one judge during the first year of the Clinton administration who received a negative American Bar Association rating, and even he was confirmed the next year. President Bush nominated 44 judges before the end of August, and to be consistent we should confirm these judges before we adjourn this year.

One pending circuit court nominee is Judge Dennis Shedd, who was among President Bush's first set of nominees sent to the Senate on May 9. He has been a very able district court judge for the past decade and was formerly the chief counsel and staff director of the Judiciary Committee. He has bipartisan support. Also, the position for which he has been nominated has been declared a judicial emergency by the Administrative Office of the Courts. In addition, the committee held a hearing in August on the nomination of Terry Wooten for the District Court in South Carolina. I sincerely hope both of these fine judicial candidates can be confirmed this year.

In summary, I hope the Senate can act this year on many pending judicial nominees, and greatly reduce the extremely high vacancy rate that currently faces our Federal courts.